

# The Supreme Court of South Carolina

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June 25, 2013

Mr. John B. Campbell, 00228072  
Perry Correctional Institution  
430 Oaklawn Road  
Pelzer SC 29669

Re: State v. John B. Campbell  
Appellate Case No. 2012-213219  
Lower Court Case No. 2009-GS-34-00521

Dear Mr. Campbell:

This responds to your letter dated June 18, 2013. To the extent it relates to documents that counsel has not provided to you in the above matter, I am forwarding a copy of your letter to your counsel.

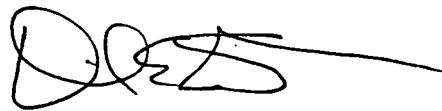
As to your letter to Judge Baxley seeking relief under a provision in the Uniform Post-Conviction Procedure Act, relief under that Act may not be sought until after the above appellate proceeding is concluded and the remittitur is sent. Rule 71.1(b), of the South Carolina Rules of Civil Procedure ("An application for post-conviction relief cannot be made while an appeal from the conviction or sentence is pending or during the time in which an appeal may be perfected.").

As to your *pro se* petition to vacate the sentence in the above matter dated April 1, 2013, you are represented by counsel in this matter and may not make a *pro se*

motion of this nature. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010);<sup>1</sup> *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306; 379 S.E.2d 907 (1989). Further, the circuit court currently has no authority to vacate the sentence since this matter is pending on appeal. Rule 205 of the South Carolina Appellate Court Rules.

As to *Campbell v. Boyer*,<sup>2</sup> 2012-CP-23-06848, that is a matter pending before the circuit court. This office cannot assist you with this matter. If you have concerns or need assistance, you may wish to consult with an attorney.

Very truly yours,



CLERK

cc: Kathrine Haggard Hudgins, Esquire-(with copy of letter)  
Christina J. Catoe, Esquire  
The Honorable William B. Funderburk  
The Honorable J. Michael Baxley  
Steven M. Pruitt, Esquire

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<sup>1</sup> "Since there is no right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel. [citations omitted]. Because petitioner was represented by counsel, the *pro se* motion was not proper, should not have been accepted, and should not have been ruled upon. The motion was essentially a nullity. . . . We also take this opportunity to remind judges and clerks of court of our directive in *Foster* not to accept substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a party who is represented by counsel."

<sup>2</sup> You indicate that this action is against William Byers. The public case index for Greenville County shows the defendant as William Boyer.